

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ELDA JUAREZ,)	
)	
Plaintiff,)	3:14-CV-00486-LRH-(VPC)
)	
v.)	
)	<u>ORDER</u>
AMERICAN FAMILY MUTUAL)	
INSURANCE COMPANY, a Wisconsin)	
Corporation; DOES I - X and ROE)	
CORPORATIONS I - X, inclusive;)	
)	
Defendants.)	
_____)	

Before the court is Defendant American Family Mutual Insurance Company ‘s (“Defendant”) Statement Concerning Removal (Doc. #6¹) and Supplement to Petition for Removal (Doc. #7).

Plaintiff Elda Juarez (“Plaintiff”) initiated the present action against Defendant on August 15, 2014, in the Second Judicial District Court for Washoe County, Nevada. On September 18, 2014, Defendant removed this action to federal court on the basis of diversity jurisdiction. Doc. #1.

On September 26, 2014, the court reviewed the removal petition and held that it was not clear from the complaint that the amount in controversy had been met. Doc. #5. The court granted Defendant twenty days to establish the amount in controversy by submitting summary judgment

¹Refers to the court’s docket


1 type evidence to the court. *Id.* Thereafter, Defendant filed a supplement to its petition for removal.
2 Doc. #7.

3 The court has reviewed Defendant's supplement for removal and finds that Defendant has
4 established that the amount in controversy has been met.

5 Where, as here, it is not facially evident from the face of the complaint that the amount in
6 controversy exceeds \$75,000, "the removing defendant bears the burden of establishing, by a
7 preponderance of the evidence, that the amount in controversy exceeds \$[75],000." *Sanchez v.*
8 *Monumental Life Ins. Co.*, 102 F.3d 398, 404 (9th Cir. 1996). Here, Defendant contends that the
9 amount in controversy requirement is met because Plaintiff claims to have sustained injuries
10 requiring cervical spine surgery in the amount of \$88,000. *See* Doc. #7, Exh. A. Further, Plaintiff's
11 counsel has made a \$100,000 settlement demand against Defendant. *Id.* A plaintiff's statement of
12 damages after the filing of the complaint is relevant evidence establishing the amount in
13 controversy. *See Cohen v. Petsmart, Inc.*, 281 F.3d 837, 840 (9th Cir. 2002). Therefore, the court
14 finds that Defendant has proffered sufficient evidence establishing an amount in controversy greater
15 than \$75,000. Accordingly, the court shall accept Defendant's removal of this action and exercise
16 diversity jurisdiction over the complaint.

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18 IT IS SO ORDERED.

19 DATED this 29th day of October, 2014.

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21 
22 LARRY R. HICKS
23 UNITED STATES DISTRICT JUDGE
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